

Exhibit 3

From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 10:31 PM
To: John Downing; Jonathan H. Hicks; Intellectual Ventures; Allen Gardner
Cc: AA_Intellectual_Ventures
Subject: RE: IV v. American - JCCPS
Attachments: 2025 08 04 - IV v. AA - Goodrich Declaration.pdf

John,

We understand IV will not be serving an expert declaration in accordance with PR 4-3. We previously explained that the schedule does not permit an extension, particularly since our expert reserved this week for the deposition. IV did not dispute this observation. American will move to strike any late-disclosed opinions as procedurally defective and untimely.

Pursuant to the Docket Control Order (Dkt. 44) and P.R. 4-3(b), attached for service is the Declaration of Michael T. Goodrich. Dr. Goodrich is available for deposition on Friday, August 8.

Regards,

McKool Smith | Casey L. Shomaker
Associate | Dallas, TX | Tel: (214) 978-4218

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From: John Downing <JDowning@kasowitz.com>
Sent: Monday, August 4, 2025 10:06 PM
To: Casey L. Shomaker <cshomaker@McKoolSmith.com>; Jonathan H. Hicks <Jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Casey,

Per Allen's email, our team is traveling from a trial. We requested an extension and American declined earlier if you recall. Many are in the air. We have disclosed our experts in rebuttal, so we are not exchanging an expert declaration today.

Regards,

John

John Downing
Kasowitz LLP
101 California Street,
Suite 3950

San Francisco, California 94111
Tel. (650) 453-5426
Fax. (650) 362-9430
JDowning@kasowitz.com

From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 8:02 PM
To: Jonathan H. Hicks <Jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Counsel,

We have been asking IV to provide a time to exchange expert declarations since noon. It's now after 10PM. Please provide us the courtesy of a response.

Regards,

McKool Smith | Casey L. Shomaker
Associate | Dallas, TX | Tel: (214) 978-4218

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From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 9:11 PM
To: Jonathan H. Hicks <Jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Counsel,

It's getting late here. Can we get an update?

Thanks,

McKool Smith | Casey L. Shomaker
Associate | Dallas | (214) 978-4218

From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 8:17 PM
To: Jonathan H. Hicks <Jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: Re: IV v. American - JCCPS

Following up again. Please provide a time to exchange declarations tonight.

McKool Smith | Casey L. Shomaker
Associate | Dallas | (214) 978-4218

From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 6:38:21 PM
To: Jonathan H. Hicks <jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Jonathan,

We made one addition to the JCCPS in redline, as well as a few formatting nits. You may accept the changes and file, along with Exhibit B. Please let us know when IV is ready to exchange expert declarations.

Thank you,

McKool Smith | Casey L. Shomaker
Associate | Dallas | (214) 978-4218

From: Jonathan H. Hicks <jhicks@kasowitz.com>
Sent: Monday, August 4, 2025 5:54 PM
To: Casey L. Shomaker <cshomaker@McKoolSmith.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Counsel,

Please confirm the attached is the final version of Exhibit B to the JCCS. We can handle the filing.

Also, IV accepted all changes to the draft JCCS that American sent on Friday and made a few additional changes, see attached in tracked changes. Please confirm IV can proceed with filing this draft.

Best,
Jonathan

From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 1:21 PM
To: Jonathan H. Hicks <jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Counsel,

Following up on the below. Please confirm IV is prepared to file the JCCPS incorporating American's edits and exchange expert declarations at 5PM CT.

Regards,

McKool Smith | Casey L. Shomaker
Associate | Dallas, TX | Tel: (214) 978-4218

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From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, August 4, 2025 12:07 PM
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Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Counsel,

Attached is Exhibit B to the JCCPS. We propose the parties exchange expert declarations at 5PM CT. Please confirm IV agrees to do so.

Thank you,

McKool Smith | Casey L. Shomaker
Associate | Dallas | (214) 978-4218

From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Friday, August 1, 2025 1:54 PM
To: Jonathan H. Hicks <jhicks@kasowitz.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Jonathan,

Attached are American's suggested edits. We will provide Exhibit B on Monday.

Thanks,

McKool Smith | Casey L. Shomaker
Associate | Dallas | (214) 978-4218

From: Jonathan H. Hicks <jhicks@kasowitz.com>
Sent: Friday, August 1, 2025 1:19 PM
To: Casey L. Shomaker <cshomaker@McKoolSmith.com>; Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Casey,

Please find attached a draft Joint Claim Construction and Pre-Hearing statement.

IV will provide information for intrinsic and extrinsic evidence on Monday.

Best,
Jonathan

Jonathan H. Hicks
Kasowitz LLP
101 California Street,
Suite 3950
San Francisco, California 94111
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Jhicks@kasowitz.com

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From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Friday, August 1, 2025 7:40 AM
To: Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
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Subject: RE: IV v. American - JCCPS

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PASSWORD, OR OPEN AN ATTACHMENT UNLESS YOU KNOW THAT THE
MESSAGE CAME FROM A SAFE EMAIL ADDRESS.**

Counsel,

Please send a draft without further delay. The JCCPS is due on Monday.

Regards,

McKool Smith | Casey L. Shomaker
Associate | Dallas, TX | Tel: (214) 978-4218

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From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Thursday, July 31, 2025 2:10 PM
To: Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: RE: IV v. American - JCCPS

Counsel,

Following up on this. Please provide a draft today.

Regards,

McKool Smith | Casey L. Shomaker
Associate | Dallas, TX | Tel: (214) 978-4218

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From: Casey L. Shomaker <cshomaker@McKoolSmith.com>
Sent: Monday, July 28, 2025 9:54 AM
To: Intellectual Ventures <IntellectualVentures@kasowitz.com>; Allen Gardner <Allen@allengardnerlaw.com>
Cc: AA_Intellectual_Ventures <AA_Intellectual_Ventures@mckoolsmith.com>
Subject: IV v. American - JCCPS

Counsel,

Please provide a draft of the Joint Claim Construction and Prehearing Statement by Wednesday so American can provide its edits and additions ahead of the August 4 deadline.

Thank you,

McKOOL SMITH

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